Rejection of Claims 1-10 and 18-20 under 35 U.S.C. § 112, second paragraph

Claims 1-10 and 18-20 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner stated that Claim 1 is unclear as to whether step (d) is to be carried out unconditionally or only in the case in which the vaccine has been determined in step (c) as being capable of stimulating a T cell response. The Examiner also stated that in Claim 18 it is not clear if step (d) is to be conducted unconditionally or only in the case in which the response measured in step (c) is greater than a pre-selected value.

Amended Claim 1 is drawn to a method of assessing the ability of a vaccine composition to stimulate a T cell response. The method comprises the steps of (a) contacting antigen presenting cells in culture with a vaccine composition selected from among said group of vaccine compositions, thereby, if one or more of the antigens or nucleic acid molecules are taken up and processed by the antigen presenting cells, producing one or more processed antigens; (b) contacting the antigen presenting cells with monoclonal T cells under conditions sufficient for the T cells to respond to one or more of the processed antigens; (c) determining whether the T cells respond to one or more of the processed antigens; whereby if the T cells respond to one or more of the processed antigens, then the vaccine composition stimulates a T cell response; (d) repeating steps (a), (b) and (c) with each additional vaccine composition in the group, thereby determining whether each vaccine composition stimulates a T cell response; and, if one or more of the vaccine compositions stimulates a T cell response, (d) selecting at least one vaccine composition which stimulates a T cell response for assessment in one or more animals or human subjects. This claim was drafted to indicate that step (e) is carried out only if at least one of the compositions of steps (a)-(c) stimulates a T cell response. In fact, step (c), which involves further evaluation of a vaccine composition which stimulates a T cell response, can be carried out only if at least one of the vaccine compositions of steps (a)-(d) stimulates a T cell response. Thus, Claim 1 meets the requirements of 35 U.S.C. § 112, second paragraph. Reconsideration and withdrawal of the rejection of the claims on this basis are respectfully requested.

Likewise, Claim 18 states that step (d) is conducted if the T cell response is greater than the pre-selected value. It is not understood how the language of the claim is ambiguous.

Rejection of Claims 1-9, 11, 12, 14, 15, 18 and 20 under 35 U.S.C. § 103

Claims 1-9, 11, 12, 14, 15, 18 and 20 have been rejected over various references as being obvious under 35 U.S.C. § 103. Claims 10, 13, 16, 17 and 19 have been indicated as allowable over the prior art. Applicants have amended the claims to include the limitations of Claim 10. Thus, the each of the prior art rejections are believed to be overcome. Withdrawal of the rejection is requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (781) 861-6240.

Respectfully submitted,

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